

Art Unit: 1614

DETAILED ACTION

Election/Restrictions

1. Upon further consideration in light of a telephonic interview on August 11, 2009, the examiner **hereby vacates the restriction requirement** mailed on July 09, 2009.

In view of the above noted withdrawal of the restriction requirement, applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

2. Acknowledgement is made of applicants' filing of the instant application as a Request for Continued Examination (RCE) under 37 CFR 1.1114. Claims 67, 74-81, 84-91, 95-111 and 114-145 are currently pending for prosecution on the merits.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Edward Robinson on August 11, 2009.

The application has been amended as follows:

In the Specification:

In the first sentence(s) of the Specification, add --This application is a 371 of PCT/US00/04663 filed 02/23/2000 which claims a benefit of 60/121,588 filed 02/23/1999--.

In the Claims:

In claim 96, line 2, delete [comprises] and replace with --is associated with--.

In claim 98, line 2, delete [comprises] and replace with --is--.

In claim 101, lines 2-3, delete [a pharmaceutical agent] and replace with --an inhibitor of DHOD--.

In claim 103, line 1, delete [102] and replace with --101--.

In claim 131, line 2, delete [comprises] and replace with --is associated with--.

In claim 133, line 2, delete [comprises] and replace with --is--.

In claim 136, lines 2-3, delete [a pharmaceutical agent] and replace with --an inhibitor of DHOD--.

In claim 138, line 1, delete [137] and replace with --136--.

Claims 67, 74-81, 84-91, 102, 110-111, 114-129, 137 and 145 are cancelled.

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Conclusion

4. Claims 95-101, 103-109, 130-136 and 138-144 are allowed.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov> Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Brian-Yong S Kwon/
Primary Examiner, Art Unit 1614

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